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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 840 OF 1994,
Cuttack, this the 22nd day of November, 2000.

Baburam Moharana. Applicant.

VKS.

Union of India & Others. ... Respondents.

FOR INSTRUCTIONS.

1. Whether it be referred to the reporters or not? Yes.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

DSOMNATH SOM
VICE-CHAIRMAN
22.11.2000

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 849 OF 1994.
Cuttack, this the 22nd day of November, 2000.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

..

Baburam Moharana, Aged about 23 years,
Son of Dukhabandhu Moharana, At: Khasapada,
PO: Alutuma, Via: Kushaleswar, Dist: Keonjhar.

: Applicant.

For the legal practitioner: M/s. R.N. Naik, B.S. Tripathy,
A. Deo, P. Panda, Advocates.

- Versus -

1. Union of India represented by its
Secretary, Ministry of Communication,
Department of Posts, Dak Bhawan,
New Delhi.
2. Chief Postmaster General,
Orissa Circle,
At/PO: Bhubaneswar,
Dist: Khurda.
4. Superintendent of post Offices,
Keonjhar Division, Keonjhar,
Keonjhar-1.
4. Arun Kumar Patra,
At/PO: Kansa, Via: Kushaleswar,
Dist: Keonjhar.

: Respondents.

S. J. Nayak
By legal practitioner: Mr. J. K. Nayak,
Addl. Standing Counsel (Central).

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application, under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for quashing the selection of Respondent No. 4 to the Post of Extra Departmental Branch Post Master, Alutuma Branch Post Office and for a direction to the Respondents to consider the case of the applicant for the above post.

2. Respondents, have filed their counter opposing the prayers of the applicant.

3. For the purpose of considering this Original Application, it is not necessary to refer all the averments made by the parties in their pleadings, as these will be referred to while considering the rival case of the parties.

4. When the matter was called, learned counsel for the Applicant and his associates were absent. No request was also made on their behalf seeking adjournment. As in this 1994 matter, pleadings are complete long ago, it is not possible to drag on the matter indefinitely. We have, therefore, heard Mr. J. K. Nayak, learned Additional Standing Counsel (Central) appearing for the Respondents and have also perused the records.

5. The admitted position is that for the post of Extra Departmental Branch Post Master, Alutuma Branch Post Office, applicant, Respondent No. 4 alongwith some others had applied and were considered and ultimately, Respondent No. 4 was selected and he joined the post on 20-12-1994. Applicant

has challenged the selection of Respondent No. 4 on various grounds which are discussed below.

6. First ground urged by the applicant is that he belongs to Post Village whereas Respondent No. 4 does not belong to the post village. Requirement of residency of post village has been done away with. Departmental instructions now provide that the selected candidate may belong to any village but after selection he should be prepared to take up residence in the post village and to provide rent free accommodation for holding the Post Office. In view of this, the above contention of the applicant is without any merit and is rejected.

7. The second contention of the applicant is that the villagers of the Post Office have filed a representation for his selection. Such representation can not be taken into consideration and the villagers can have no say as to who would be selected to the post of EDBPM and in view of the above, we find no merit in this contention also which is rejected.

8. The third contention of the applicant is that he is a graduate whereas the selected candidate, Respondent No. 4 has passed plus two examination. Educational qualification for the post of EDBPM is matriculate and instruction specifically provides that any qualifications higher than matriculation is to be ignored. In view of this, the fact that the applicant is a graduate and Respondent No. 4 has only passed +2 is of no consideration.

9. Similarly the stand taken by the applicant that his income is more than the Respondent No. 4 can not also be a deciding factor. Instructions of Director General of Posts lay down that the selection can not be based on the ground of a candidate having higher income and larger property than the other

candidate. These instructions provide that amongst the eligible candidate, the person who has secured highest marks in the matriculation examination is to be considered more meritorious. Respondents have pointed out that the applicant has got 34.42% marks whereas the selected candidate Respondent No. 4 has got 39.33% marks in the Matriculation examination. In view of this, the Departmental Respondents are right in selecting Respondent No. 4 to the post of E.D.B.P.M., Alutuma Branch Post Office.

10. Certain other averments have been made about his belonging to OBC community. Respondents have pointed out that both the applicant and Respondent No. 4 belong to OBC community and therefore, these contentions are of no consequence.

11. In the result, we find no merit in this Original Application which is accordingly rejected. No costs.

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(G. NARASIMHAM)
MEMBER (JUDICIAL)

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VICE-CHIEF MEMBER

KNM/CMI